UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: GORDON LEE DEFREESE, JR. and : CHAPTER 13

LARISSA IRIS DEFREESE

VS.

Debtors

JACK N. ZAHAROPOULOS STANDING CHAPTER 13 TRUSTEE

Movant

:

GORDON LEE DEFREESE, JR. and

LARISSA IRIS DEFREESE

Respondents : CASE NO. 5-23-bk-02855

TRUSTEE'S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 14th day of March, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtors' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. §§ 1322(a)(1) and 1325(b) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon disposable income on Schedules I and J and specifically disputes the following amounts:

- a. Excess disposable income. Debtors are surrendering their 2022 Ram Truck and their net income will be \$1,593.00 higher after Schedule J is amended to remove the payment for this vehicle.
- b. Upon review of pay advices for debtor 1 for 11/19/2023 to 1/20/2024, the average gross wages are \$1,100.00 more than the amount reported on Schedule I.
- c. Debtors' aggregate expenses for food and housekeeping supplies, clothing, laundry, personal care and entertainment are not reasonable for their household size.

d. Debtors' have a relative that resides with them and Schedule I does not list a to the expenses listed in Schedule J.

WHEREFORE, Trustee alleges and avers that debtors' plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

BY: /s/Douglas R. Roeder
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 14th day of March, 2024, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Michael Cibik, Esquire 1500 Walnut Street, Suite 900 Philadelphia, PA 19102

/s/Deborah A. DePalma
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee